



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

Medical Services
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October 15, 2014

Mr. Scott Davis, Executive Director
ND Indian Affairs Commission
600 E Boulevard Avenue
Bismarck ND 58505

Re: Tribal Consultation on the Statewide 1915 (c) Home & Community Based Services (HCBS) Waiver Transition Plan.

Dear Mr. Davis,

This letter is regarding the Tribal Consultation Policy established between the North Dakota Department of Human Services and the North Dakota Indian Tribes. This consultation process was established to ensure Tribal governments are included in the decision making processes when changes in the Medicaid or Children's Health Insurance Program (s) will affect items such as cost or reductions and additions to the program. The North Dakota Department of Human Services engages Tribal consultation when a State Plan Amendment, waiver proposal or amendment, or demonstration project proposal directly impacts the North Dakota Tribes and/or their Tribal members.

This letter is specific to the proposed Statewide Transition Plan that is now open for public comment through November 14, 2014.

On March 17, 2014, the Center for Medicare and Medicaid Services (CMS) issued a final rule for Home and Community Based Services that require states to review and evaluate Home and Community Based Services (HCBS) Settings, including residential and nonresidential settings. States are required to ensure all HCBS Settings comply with the new requirements, and analyze all settings where HCBS participants receive services to determine if current settings comply with the Final Rule. The ND Department of Human Services (Department) has created a draft Statewide Transition Plan to assess compliance with the HCBS Settings Rule and identify strategies and timelines for coming into compliance with the new rule.

The federal citation for the new rule is 42 CFR 441.301 (c) (4)-(5), and more information on the rules can be found on the CMS website at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>

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A draft Statewide Transition Plan is attached for your review.

The Department will provide opportunities for public comment on the Statewide Transition Plan during the 30 day public comment period beginning October 15 through November 14, 2014. The plan is also available for public comment online and upon request at <http://www.nd.gov/dhs/info/pubs/medical.html>.

Comments and public input on this proposed Statewide Transition Plan will be accepted in the following ways:

Email: DSHSCBS@ND.GOV

Phone 800-755-2604 or 701-328-4602

Fax 701-328-4875

Mail: ND DHS Medical Services Division, 600 E Boulevard Ave Dept. 325, Bismarck, ND 58505 -0250

If you have any comments, questions or concerns about the proposed Statewide Transition Plan, please contact Karen Tescher at ktescher@nd.gov calling 701.328.2324 or by mailing a written response to:

ND Dept of Human Services
600 East Boulevard Avenue
Department 325
Bismarck, ND 58505

The Department appreciates the continuing opportunity to work collaboratively with you to achieve the Department's mission, which is: "To provide quality, efficient, and effective human services, which improve the lives of people."



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Sincerely,

A handwritten signature in cursive script that reads "Julie Schwab".

Julie Schwab, Director
Medical Services Division